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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Michael Wayne Graham et al.

Serial No. : 10/821,726

Examiner : Vivlemore, Tracey A.

Filed : April 8, 2004

Art Unit : 1635

For : SYNTHETIC GENES AND GENETIC CONSTRUCTS

30 Rockefeller Plaza
20th Floor
New York, New York 10112
October 7, 2009

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
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Sir:

**SUPPLEMENTAL AMENDMENT TO MAY 4, 2009 AMENDMENT
FILED IN RESPONSE TO NOVEMBER 3, 2008 OFFICE ACTION
AND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

This a Supplemental Amendment to the May 4, 2009 Amendment submitted by Applicants in response to the November 3, 2008 Office Action issued by the United States Patent and Trademark Office in connection with the above-identified application. The United States Patent Office issued a September 4, 2009 Notice Of Non-Compliant Amendment (37 C.F.R. § 1.121) in response to which Applicants filed an October 5, 2009 Communication In Response To September 4, 2009 Notice Of Non-Compliant Amendment (37 C.F.R. § 1.121). As of October 7, 2009, the United States Patent Office has not acted on the October 5, 2009 Communication. Accordingly, this Supplemental Amendment is being timely filed and should be considered together with the May 4, 2009 Amendment and the October 5, 2009 Communication.

Amendments to the Claims begin on page 3 of this document.

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Remarks begin on page 8 of this document.

- Discussion of **Support for New Claims** begins on page 9.
- Discussion of **Claim Interpretation** begins on page 10.
- Discussion of **Claim Objections** begins on page 11.
- Discussion of **Written Description Rejections** begins on page 12.
- Discussion of **Obviousness Rejections based on Fire et al. in view of Agrawal et al., Chatterjee et al., Gold et al., and Kotin et al.** begins on page 15.

A **Supplemental Information Disclosure Statement** begins on page 56 of this document.

Please amend the subject application as follows: